AMENDMENTS TO THE ONTARIO LABOUR RELATIONS ACT

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PROPOSED AMENDMENTS TO THE LABOUR RELATIONS ACT - 1975

Minister of Labour: The Honourable J. P. MacBeth, Q.C.

Ministerial Committee on Legislative Change:

R. D. Johnston	-	Deputy Minister
W. H. Dickie	-	Assistant Deputy Minister
T. E. Armstrong, Q.C.	-	Chairman, OLRB
J. R. Kinley	-	Director, Research Branch Ministry of Labour
Paul Hess, Q.C.	-	Director, Legal Branch Ministry of Labour
G. W. Adams	-	Vice-Chairman, OLRB } Advisors
D. D. Carter	-	Vice-Chairman, OLRB }
L. V. Pathe	-	Assistant to the Chairman OLRB, Secretary

INTRODUCTION

Background

The Labour Relations Act was last amended by Statutes of Ontario, 1970, Chapter 85. In mid-1974, the Deputy Minister of Labour formed a Ministerial Committee to conduct a general review of the legislation. During the course of the Committee's deliberations, which extended over a period of approximately six months, detailed comparisons were made with collective bargaining legislation in all other Canadian jurisdictions. Consultations were held with various interest groups, including the Canadian Manufacturers' Association, the Canadian Chamber of Commerce, the Board of Trade, the Ontario Federation of Labour, the United Automobile, Aerospace and Agricultural Implement Workers of America, the United Steelworkers, the Canadian Food and Allied Workers, a group of practitioners in the labour field from the Labour Relations Subsection of the Canadian Bar Association, and others.

General Principles Upon Which Proposals Are Based

The Labour Relations Act sets out basic public policy with respect to collective bargaining between employees and employers in Ontario. The Preamble to the Act, added in 1970, contains a positive endorsement of collective bargaining. The remainder of the Act establishes procedures for the acquisition of bargaining rights for ensuring fairness in the conduct of the bargaining parties, and for minimizing industrial conflict.

Since the revision of the Labour Relations Act four years ago, major concerns have arisen about its effectiveness in achieving the aim of the Legislature, as expressed in the Preamble: namely, the encouragement of collective bargaining. Those concerns are reinforced by recent changes to legislation in other Canadian jurisdictions. Alberta, British Columbia, Manitoba, Nova Scotia, Prince Edward Island, Saskatchewan and Canada have all revised their labour relations laws extensively since the Ontario amendments of 1970. As a consequence, Ontario, long in the vanguard of labour relations legislation, has fallen behind in some important areas.

In its work, the Committee was concerned with three major issues:

- continuing high levels of industrial conflict;
- the relatively limited use of collective bargaining by employees in Ontario;
- union and employer practices restricting both effective worker representation and individual rights.

All of these matters are directly related to the major thrusts of the existing legislation and the suggested revisions pertaining to them merely update the Act with respect to its traditional areas of emphasis. The proposals do not break new ground by providing, for example, radical new approaches for public influence on the results of collective bargaining. Each of the three issues is discussed briefly in the paragraphs immediately below and the specific proposals made in the body of the brief are arranged to relate to them in the same order as they are presented here.

REDUCING INDUSTRIAL CONFLICT

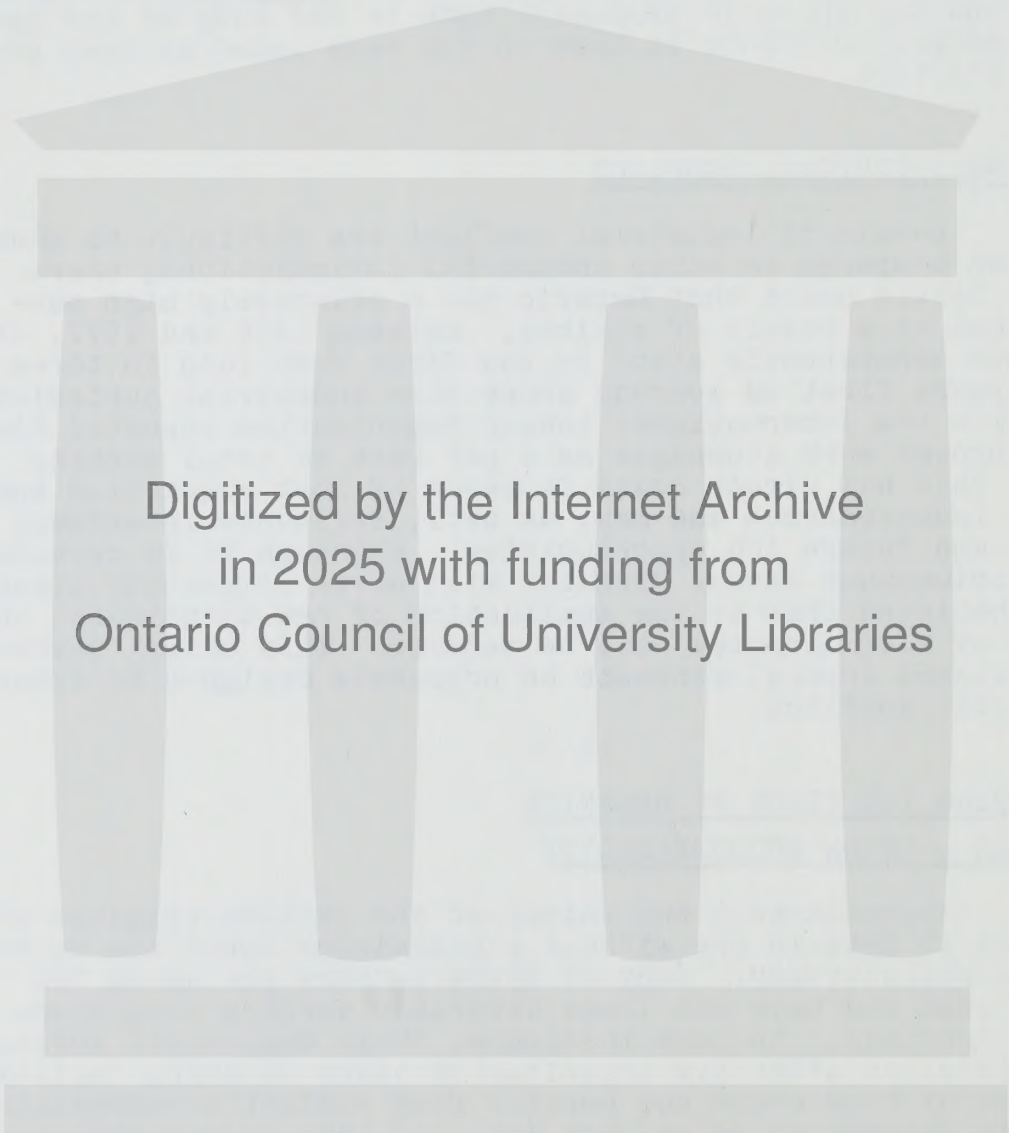
Levels of industrial conflict are difficult to measure, but when compared to other industrial jurisdictions, there can be little doubt that Ontario has a relatively high man-hour loss as a result of strikes. Between 1966 and 1972, the Province consistently stood in the first four (and in three of those years first or second) among nine industrial jurisdictions for which the International Labour Organization reported time lost through work stoppages as a per cent of total working time. This has direct costs in terms of lost production and public inconvenience and may, as well, influence investment levels and future job opportunities. Although it is certain that acrimonious labour disputes will never completely disappear, it is believed that by the application of new techniques, the number of such disputes will be reduced. This brief, therefore, places special emphasis on proposals designed to reduce industrial conflict.

PROTECTING THE RIGHT TO ORGANIZE

EMPLOYER - UNION ACCOUNTABILITY

Approximately two-thirds of the persons eligible to organize in Ontario are without a bargaining agent and do not bargain collectively. Many of these workers are among the lowest paid and have the least desirable working conditions in the Province. In some instances, their employment arrangements preclude effective organization under existing legislation, but some of them could now benefit from collective bargaining, and some attempt to do so, but fail. To the extent that the Labour Relations Act excludes employees from coverage or establishes procedural impediments to certification, it contributes to the inability of workers to effectively organize and bargain collectively. The revisions are designed to overcome these obstacles.

Certain practices of the parties, both when bargaining rights are being sought and in the bargaining relationship, tend to militate against effective worker representation. They include employer action to influence worker participation in union organizing activity and union restrictions on membership and information. The specific proposals are intended to facilitate the process of securing bargaining rights, and, at the same time, to require greater accountability on the part of the union with respect to its handling of these rights.



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MEETINGS RE THE LABOUR RELATIONS ACT

HELD WITH THE FOLLOWING GROUPS

Feb. 6, 1974	Ontario Federation of Labour presented its Brief on proposed changes to the Ontario Labour Relations Act. The O.F.L. and the Ministry of Labour agreed to engage in discussions between officials of the Ministry and a Sub-Committee of the O.F.L.
March 26, 1974	First meeting between the Ministry and the O.F.L. Sub-Committee
May 6, 1974	Second meeting between the Ministry and the O.F.L. Sub-Committee
May 23, 1974	Third meeting between the Ministry and the O.F.L. Sub-Committee
June 24, 1974	Dinner meeting with Ontario Federation of Labour Executive Board, Minister of Labour, Deputy Minister of Labour, Assistant Deputy Minister of Labour and Chairman of Ontario Labour Relations Board
July 3, 1974	Premier of Ontario and Brampton and District Labour Council
July 18, 1974	Fourth meeting between the Ministry and the O.F.L. Sub-Committee
Aug. 15, 1974	Ontario Chamber of Commerce
Aug. 20, 1974	Canadian Manufacturers' Association
Sept. 4, 1974	United Steelworkers of America
Sept. 6, 1974	Toronto Board of Trade
Sept. 9, 1974	Canadian Food and Allied Workers
Sept. 12, 1974	United Auto Workers
Sept. 24, 1974	Canadian Union of Public Employees
Oct. 23, 1974	Committee for Justice and Liberty
Oct. 25, 1974	Minister, Deputy Minister and Senior Industrial Relations Representatives of Management
Nov. 4, 1974	Hospital Personnel Relations Bureau
Jan. 13, 1975	Group of Trade Union Lawyers
Jan. 16, 1975	Premier and Deputy Minister met with representatives of United Electrical Workers in Brampton
Jan. 20, 1975	Group of Management Lawyers
Jan. 27, 1975	United Steelworkers of America
Jan. 30, 1975	Ontario Federation of Labour

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Jan. 31, 1975	Canadian Manufacturers' Association
Feb. 3, 1975	Minister of Government Services and Deputy Minister of Labour with the Brampton and District Labour Council
Feb. 19, 1975	Ontario Chamber of Commerce
March 3, 1975	United Auto Workers
April 15, 1975	Metropolitan Toronto Board of Trade

CONFIDENTIAL

January 27, 1975

I am attaching a summary of the proposed amendments to The Labour Relations Act. You asked me to record why I believe that these amendments should receive priority at the next session of the Legislature. Here is my analysis.

Background

There is a pervasive feeling, however justified, that the Government has lost control of labour relations. It is said that we move from crisis to crisis with no discernible policy. Particular crises are solved either by emergency legislation or by capitulation at the bargaining table. The public is inconvenienced, the economy damaged, and the legislation often ignored.

There will always be discord in labour relations, so long as free collective bargaining, with its adversary mechanisms, is the dominant technique for dispute settlement. The Press and some interest groups tend to exaggerate the problem and give undue prominence to the system's failures while failing to acknowledge its successes. Nonetheless, there is a considerable body of opinion which sees the Government reacting to events, rather than controlling them. Hence, the need for action.

In preparing the proposed amendments, we have attempted to view the problems from the vantage point of the public, the employers, the unions, and the individual.

1) The Public

The public's main concern is with dispute settlement; there are too many strikes, they last too long, they are wasteful and inconvenient. Their occurrence, in the public's mind, reflects upon the ability of Government to control affairs. More specifically, critics point to Ontario's relatively poor position amongst the industrial communities in terms of time lost through strikes.

The proposed amendments contain a number of items aimed at this central problem: e.g.

- Mid-contract mediation: a monitoring, "distant early warning" technique, increasingly used with success by the U.S. Federal Conciliation and Mediation Service;
- A Disputes Referral Committee: a new device to co-opt senior, responsible representatives of labour and management to provide bipartisan advice to the Government in those disputes where conventional settlement techniques have failed;

- Government-directed ratification votes: a discretionary power in the Minister to direct that the employer's "last offer" be submitted to a Government-sponsored membership vote, with a view to deterring irresponsible "brinkmanship" by the bargaining agent;

- First-agreement arbitration: a technique to avoid prolonged impasse in first negotiations, with the Ontario Labour Relations Board having the power to impose a first agreement where bargaining in bad faith is shown.

2) The Employers

Generally, employer groups favour the status quo. Any collective bargaining legislation is seen as a restraint on the ability of the employer to operate his enterprise, free from collective pressure by employees. However, given the existence of the system and the inevitability of its continuance, the employer's dominant concern is that enforcement techniques be improved, especially in relation to wildcat strikes.

In recognition of the employer's concern for the preservation of the status quo, the proposed amendments leave the existing system substantially unaltered. For example, the Ontario Federation of Labour's demand for the unrestricted right to strike, whether or not a collective agreement is in effect, has been rejected.

The elimination of compulsory conciliation, with the right to strike occurring immediately upon expiry of the agreement (no contract - no work) has also been denied. There is no proposal for relief against the effects of automation, as in the Canada Labour Code and some Provincial Statutes, where unions have acquired rights to control the impact of technological change on job security.

On the positive side, techniques for controlling illegal strikes have been strengthened: e.g.

- Expansion of the OLRB's power to issue restraining orders: a proposal to expand the power of the Board to issue cease and desist orders to enjoin illegal strikes in industry at large (the right is now limited to the construction industry);
- Expansion of complaint remedy: an expanded procedure to permit employers to seek direct relief from the Board in the case of unfair labour practices (e.g., bargaining in bad faith).

3) The Unions

In the eyes of trade unions, Ontario's labour relations laws have become outdated. They point to reforms in other Provinces and in Ottawa and ask, why not here? They contend that the unnatural obstacles to organizing Ontario have deprived approximately 65 per cent

of the work force of the benefits of collective bargaining. In support, they point to the relatively poor position of Ontario in terms of percentage of organized employees, the relatively slow rate of growth in organizing, and, more narrowly, the relatively high failure rate in applications for certification before the Ontario Labour Relations Board. A second major theme with trade unionists is administrative delay and an overly-technical, legalistic approach by the OLRB.

The proposed amendments answer some of these complaints: e.g.

- Requirements for outright certification: a restoration in the required percentage membership support to 55 per cent. (In 1946, a simple majority was required in Ontario; in 1950, the percentage was increased to 55 per cent, and in 1970, to 65 per cent; in all other Canadian jurisdictions, a simple majority is sufficient.)

- A new cut-off date for determining union membership: a procedure to reduce the incidence of divisive, illegally-sponsored petitions in certification proceedings;

- Interim certification: a procedure to discourage delaying tactics where it is evident that the union has the requisite membership support;

- Coverage: a proposal to extend collective bargaining to persons engaged in horticulture, agriculture, hunting and trapping, and to dependent contractors;

- Unlawful dismissals: a proposal to place the onus on employers to justify discipline and discharge contrary to the Act, as in arbitrations.

4) The Individual

There is a need to protect the individual against union, as well as employer, abuses. Too often, the individual feels himself to be the victim of institutional discrimination for which no relief is available. Sometimes the abuse is imagined, often it is real. To meet this need, the recommendations include:

- Union financial accountability: a new reporting obligation for trustees of pension and welfare funds;

- Fair representation: a prohibition against discrimination, effecting the right to, or opportunity for, employment (e.g., hiring-hall abuses);

- A labour ombudsman: an opportunity for aggrieved individuals to air their complaints against bureaucratic abuses.

Conclusion

The proposals are the product of eight months' study and evaluation by an Intra-Ministerial Committee chaired by the Deputy Minister. While not every proposal has unanimous support, there is consensus on the thrust and scope of the package and upon the urgent need for action. While it is not a decisive consideration, critics can point to the fact that there has been no Labour Relations Amendment Act since the Premier assumed office four years ago. Since the Act came into being in 1946, this is the longest gap between amendments.

The package can fairly be characterized as cautiously progressive. It is not radically innovative. The existing system is preserved with modest improvements and there has been a conscious and, we believe, successful effort to balance the proposals. Any major changes which would jeopardize the balance should be carefully assessed.

The real value of the package is that it projects the image of a Government in action, no longer responding to particular crises, but acting in advance to create structures and techniques for solving problems before they become unmanageable.

T. E. Armstrong, Q.C.

Ontario

Ontario Labour
Relations Board

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400 University Avenue
Toronto, Ontario

Our File Number

April 28, 1975

Subject: Labour Relations Act Amendments

Following last week's Cabinet Meeting, I spoke with both of you on the progress of the proposed amendments. As you know, I believe there are compelling reasons for a Labour Relations Amendment Act at this session. In your further deliberations it may be useful for you to have a summary of my thoughts.

1. The proposals contain significant, visible initiatives in the field of dispute settlement: e.g., mid-contract mediation, a labour-management disputes advisory committee, and a new discretionary power for the Minister to direct a vote on an employer's last offer. These provisions should appeal to the public's apparent concern with increased strikes and a desire for improved methods for reducing industrial conflict.

2. The public's apparent frustration with strikes in the public sector should not necessarily be equated with an anti-union mood in general. In any event, the proposed amendments decrease rather than increase the likelihood of strikes. It seems to me this is a point which needs emphasis in Cabinet discussions.

3. The pro-union provisions of the proposed amendments are minimal: some moderate easing of the certification requirements; greater discretion for the O.L.R.B. to grant certification where there is illegal employer interference (section 7(4)); reversal of the onus in discharge cases, etc. No changes are being proposed in the more controversial areas: technological change, elimination of anti-union petitions, expansion of coverage to include independent contractors and agricultural workers, first agreement arbitration, etc. By any standards the proposals are modest.

4. To the extent that the public is concerned with the abuse of institutional power by trade unions, the amendments provide a response. There will be increased financial accountability, with particular reference to pension and welfare fund reporting. There is a provision for control of hiring hall abuses and control of arbitrary denial of union membership.

5. It is difficult to summarize my impressions without encroaching on some pretty fundamental political considerations. For what they are worth, you may wish to consider the following personal observations:

The Act has not been amended since February 15, 1971. Most other Canadian jurisdictions have had major amendments to their collective bargaining legislation during this period. As a result, the Labour Relations Act, long believed to be the model legislation, has become out-dated.

A year ago the Labour Relations Act was characterized by organized labour as "a bad act badly administered". We can point to improvements - some of them dramatic - in the Act's administration. The amendments, however, are needed to complete the picture; otherwise opponents who claim that the new look is entirely cosmetic will be vindicated.

There is a high level of expectation, especially on the labour side, that amendments are imminent. The Minister, in the debates on the Estimates last fall, stated that amendments

would be introduced in the spring session. This and similar forecasts have been widely reported in the press. Requests in this office and in the Deputy Minister's office about the progress of the amendments are made daily.

The Ontario Federation of Labour presents its annual brief to the Cabinet on May 21. I think it will be generally agreed that any amending legislation should precede that presentation.

I have discussed most of these points with the Minister and the Deputy Minister. We share the view that there should be an early decision and that the legislation should move forward with the least possible delay.

I am, of course, available for any further consultation that may be required.

T. E. Armstrong, Q.C.
Chairman

go, the more you have problems arise very much like problems in your industrial area. We should have legislation in this province which protects farm workers against those kinds of problems that arise. One of the ways would be to allow them to organize.

Well, Mr. Minister, I think I will conclude my opening remarks there and save some more of the detailed ones for the particular estimates when they come up.

Hon. Mr. MacBeth: Mr. Chairman, if I may make one or two remarks in reply, I would first thank the member for Rainy River and the member for Windsor West for their good wishes, although I know that the wishes they expressed to me will not adulterate the zeal of their opposition as the weeks go by.

Now, you have made many good suggestions. Some of them, of course, are in the process of being considered by the Ministry of Labour and by my officials. You have also given me—

Mr. Haggerty: Just what are those?

Hon. Mr. MacBeth: Well, I will maybe mention some of them as we go along.

Mr. Haggerty: I hope so.

Hon. Mr. MacBeth: But you made some suggestions that are rather novel and I think worth investigating. I won't attempt now to reply on all of the points that have been raised, but will leave a lot of them for the specific votes. But I would like to specifically mention some, I suppose, that are of a general nature and not covered by votes.

I suppose one of the things that bothers me most in this portfolio is the basis that in labour relations, so much of it over the years has been done traditionally on a confrontation basis. Now, suggestions have been made here tonight that our government is anti-labour. Gentlemen and ladies, I assure you that that's not the case. I think as far as we are concerned we are interested in the general welfare of all of the people of this province, regardless of whether they are classified as labour or management or whatever they might be classified as. I regret that so much of the work done is regarded as either pro- or anti-labour. I don't want to be known as pro-labour. I don't want to be known as anti-labour.

Mr. Deans: But that is the problem, damn it. You are supposed to be the Department of Labour.

Hon. Mr. MacBeth: Well, that gets us into the discussion, of course—

Mr. Deans: That's what I am going to talk to you about.

Hon. Mr. MacBeth: —and it is an interesting discussion and it's a good discussion.

Mr. Deans: Industry has its own minister, for Heaven's sake.

Hon. Mr. MacBeth: All right, but I say this is the whole business of cabinet collective responsibility. Ottawa is facing this right now, as you know, with someone who says he is the Ministry of Agriculture and somebody else is Consumer Affairs; you get them going every which way from centre. I don't think that's what we want here in Ontario.

As I say, I am not interested in being either for or against. I want to be for what is good for the citizens of Ontario, and I think we have been relatively successful in that. Look across the industrial divisions of North America—or take Great Britain or any of the industrialized nations of the world. I think the record in Ontario, the health of our industrial climate, the number of work hours lost, the standard of living of the average worker, are all as good or better here than you will find in any of the other industrial areas of the western world.

So I don't think we need to take a back seat—nor am I prepared to take a back seat—in the success of our industrial relations. I think they are good. Certainly, they are not without trouble. That's what I say, regrettably, it is all about. I want to operate with the good wishes and goodwill of both sides of the management and labour picture.

You mentioned that the Ontario Labour Relations Act needs updating. I agree that it needs updating. Legislation is not something that I think you can be changing every few weeks. I think they have to have a period of maturation, a chance to work. The ministry is always reviewing it.

There was an article in the Globe and Mail a few days back suggesting that something was imminent in the way of changes to the Labour Relations Act. Certainly I don't anticipate anything this fall, but I hope there will be something in the new session to update and modernize some of the things of which you have been critical.

I would like to mention this business of farm labour, because it certainly has been in the forefront of the news in the last little while. I think the original report of my statement, along the lines that I was not opposed

Mr. Reid: Well, the Premier indicated that he had passed my letter on to you. In any case, what does the minister think of that idea?

Hon. Mr. MacBeth: There is no point to refute what the member for Rainy River is saying; it may be there and I will look for it. In any event, it was suggested during the TTC strike that there was room for a select committee in labour. Actually, I look forward to some of the discussion here with the member for Wentworth and the rest of you in connection with the responsibility of the Minister of Labour. As to his neutrality—or what you referred to. Neutrality wasn't the word you used. You said I shouldn't be neutral; I should be impartial, I think was the word that you used. But that is the kind of discussion that I welcome and I am sure we'll get into as the votes go on.

I don't know about a select committee. That, of course, is the Premier's prerogative; why would he pass the letter on to me—unless there were other gems in there, Mr. Reid?

Mr. Reid: Oh, probably there were; I may have overlooked them myself.

Hon. Mr. MacBeth: Regarding certification procedures—

Mr. Reid: Who's your letter writer?

Hon. Mr. MacBeth: There is still certification with a 50 per cent vote. I'm not sure that everybody understood that—whether they needed to vote, or whether it was automatic. It used to be 45-55 per cent, and now it's 35-65 per cent. Once the vote is held, it still requires a 50 per cent vote. If it's 65 per cent, it is automatic certification.

Mr. Reid: That's right. But why shouldn't 50 per cent be automatic?

Hon. Mr. MacBeth: It's 50 per cent when you carry the vote, but we're looking at those, and that will be considered in the Labour Relations Act. Certainly, we're looking at it. I would like to personally get this more along the lines that we are used to as politicians when we have votes—and this is again 50 per cent. I don't know why we should have to have all these petitions in that procedure.

Mr. Reid: You know, Mr. Minister, that once a construction union applied for certification, and before the decision came back the building was built.

Hon. Mr. MacBeth: I can understand that; at least I can really—

Mr. Reid: There has to be something wrong there.

Hon. Mr. MacBeth: I agree, and I think we can at least speed that up. I haven't thoroughly examined this thought, but I don't know why we can't just have the vote almost on request. I think there will be lots of room for improvement when we look at the Labour Relations Act next year.

Mr. B. Gilbertson (Algoma): Doesn't take long nowadays.

Mr. Gisborn: If they change that section—

Mr. Bounsall: If only 20 per cent of the work force vote, and 51 per cent of that group accept—is that accepted? Could 80 per cent choose to abstain when it comes to a vote?

Mr. R. D. Johnston: That's right. That is accepted.

Mr. Bounsall: It wouldn't be that case, but I just wondered. There is no hooker in there to cause another go around.

Hon. Mr. MacBeth: Mr. Chairman, there are other points that Mr. Reid dealt with, but again I think most of them can be discussed when we come to the individual votes.

I agree with equal pay for equal work, and that is what I meant when I talked about education. You can't legislate the change in attitudes. Insofar as we're able to, I think we've done so. But as far as actually carrying it out goes, there is a great problem in trying to ensure that women apply for equal job opportunities offered to them. I don't know just how you change society in regard to that. It's a long educational process. I agree that women are not getting the full opportunity that the law is trying to assure them.

Mr. Deans: What are you doing for them?

Hon. Mr. MacBeth: We've got our people in the field. Certainly when people lay complaints we are following up complaints.

Mr. Deans: No, I mean what are you doing personally about that?

Hon. Mr. MacBeth: Oh, personally.

Mr. Deans: Let me put it to you this way. I assume that you have here with you the operative heads of the various branches of your ministry. Fourteen of them are here, and one of them is a woman. Why would that be?

ister of Agriculture; or you see the Minister of Labour suggesting different things from those of Consumer and Corporate Affairs or different things from those of the Ministry of Industry, Trade and Commerce?

I don't see a government in this province working in that way. When the Minister of Labour speaks in this province, I hope he can continue to speak for the government of the Province of Ontario. And if we have a difference of position, then it is up to us to resolve those differences of opinion in the cabinet. My own opinion of the Ottawa scene at the present time, where you have open conflicts between ministers, is not the position that a democratic government should take.

Mr. Reid: Mr. Davis called that just an imaginative position when we talked about his government and Mr. Benoit the other day—that it was imaginative and individualism. Now tonight we hear that it is a bad situation.

Hon. Mr. MacBeth: You have certainly got it in Ottawa.

Mr. Reid: It depends on where you are sitting.

Mr. Ruston: You have got to have openness in government.

Mr. Reid: That's right.

Hon. Mr. MacBeth: They should get complete marks for it. They are certainly all individuals. But that is not the way we are operating here.

Mr. Reid: That is why we are Liberals. We are all individuals.

Hon. Mr. MacBeth: I hope, as I say, when the Minister of Labour speaks in this province that he is speaking for the government, and not just for a faction in that government. At least you know where we stand.

Mr. Laughren: Not quite.

Hon. Mr. MacBeth: Now, of the legislation that I have brought in—or am about to bring in, I don't think any of it is legislation that doesn't affect all parties, as well as all citizens of the province—and this applies to legislation brought in by my predecessor.

In other words, if you are talking about employment standards, if you are talking about minimum wages, if you are talking about the Labour Relations Act or the constitution of the Labour Relations Board, it affects both sides of the bargaining table, both labour and management.

To suggest that the legislation that I present to the House reflects only the position of labour, or should reflect only the position of labour, is something that I am not prepared to adopt. I would rather say it doesn't reflect either labour or management, but rather what is best for the interests of the entire population of the province.

Now as I say, Mr. Chairman, if you were in my shoes there is no question where you would stand, and that is—

Mr. Lawlor: Just a matter of time.

Hon. Mr. MacBeth: —your right to take that position. But I am saying traditionally that is not the minister's role in this province, nor do I think it should be. I may take the position of labour before cabinet and try to speak for it as clearly and as strongly as I can, but when I come out of that cabinet meeting it is with the collective decision of the government—and that is where the government stands.

Mr. Lawlor: You are only pro-labour in secret.

Hon. Mr. MacBeth: Well, I think, really, I should be for all the people of Ontario when I come out of that cabinet.

Mr. Germa: That is not your title, Mr. Minister; the minister of all the people of Ontario.

Hon. Mr. MacBeth: I know, but the Minister of Agriculture and Food (Mr. Stewart), goes into cabinet and he presents the interests of the agriculture industry.

Mr. Germa: Well, I think he does a better job. The Minister of Agriculture and Food for Ontario does a better job on behalf of his people than the Minister of Labour is doing on behalf of the working people of Ontario; that is my impression.

Hon. Mr. MacBeth: You are not going to get any argument from me on that, Mr. Germa, because—

Mr. Lawlor: We think John Clement—

Mr. Germa: I am trying to encourage you, Mr. Minister, to adopt a stance such as two Agriculture Ministers have taken.

Hon. Mr. MacBeth: I am listening to what you say, but I am trying to give you some of the theory behind this as far as I am concerned. I think I have to speak collectively for all of the people, at the same time having to put forward the interests of both parties when it comes to trying to decide what legis-

Hon. J. P. MacBeth (Minister of Labour): Mr. Chairman, I would ask Mr. Johnston to say a word or two on this first contract matter. I know you've spoken about it in the House, Mr. Reid. I've given some thought to it. It raises some questions. I know the difficulties. I understand there are only one or two jurisdictions in Canada where they have experimented with it and I think Mr. Johnston has some information in connection with them.

Mr. R. D. Johnston (Deputy Minister): I stand to be corrected as to whether I've got the figures exact. The only system I'm aware of that attempts to have a third party write the first agreement or bring a first agreement to pass where the parties haven't been able to arrive at one, is in the new legislation in British Columbia. It has only been in force about a year. It was attacked on both sides when it was brought in because even the unions felt it was a form of compulsory arbitration, and they were against the principle.

In fact, however, the system has been a little misadvertised because it has been perceived abroad as being a system whereby every time the parties have a kind of stand-off in bargaining on a first agreement there'll be an agreement superimposed on the parties. In fact the Act in British Columbia requires this remedy only where one or other side has been bargaining in bad faith—and we don't want to reopen the discussion of what constitutes bad faith.

Mr. Reid: We don't want to go through that again.

Mr. R. D. Johnston: In any event that's the basis on which it works.

I'm advised—and I stand to be corrected on how exact these figures are—that in the year that section has been in force there have only been about a dozen applications for first agreement arbitration and the board in its wisdom has only granted the relief in about three or four cases. So in the majority they weren't prepared to accept there had been bad faith bargaining and therefore they weren't prepared to superimpose a first agreement.

It is an interesting device. One that, certainly on the face of it, would seem to put an extra onus on people to bargain in good faith, and that's probably its chief merit. We are examining it.

Mr. Reid: All right.

Mr. R. D. Johnston: On the statistical question you asked as to the reconciliation of our figures and the OFL's, maybe Mr. Kinley would have a comment on that.

Hon. Mr. MacBeth: Better have a microphone there, Mr. Kinley.

Mr. J. R. Kinley (Director, Research Branch): Some preliminary figures were released from the ministry to the OFL and they used them. I don't think there is any criticism of them for doing so. The figures were not quite correct. The figures that I sent you yesterday and which I believe you quoted just now are the correct ones for the year of 1972-1973 and for the two preceding years.

Mr. Reid: Thank you.

Mr. Kinley: That's page 36 of that document.

Mr. Reid: Yes, I've gone through this document and digested it and I understand what you mean when you say that it's raw data and sometimes hard to get through.

I just have one further thing and it's just to clarify something in my mind. Did you give us the commitment, Mr. Minister, that you were going to bring in some amendments to the Labour Relations Act in regard to certifications and other things?

Hon. Mr. MacBeth: No, sir, I gave no commitment—at least I don't recall giving a commitment. I've indicated it was under study and I hoped to bring in some amendments in the new year.

Mr. Reid: That will include the matter, for instance, of an employee being fired for union activity, shifting the onus and so on.

Hon. Mr. MacBeth: I talked about shifting onus last night.

Mr. Reid: Yes.

Hon. Mr. MacBeth: But although I was talking about it, the problem is still before the ministry and we haven't come to any definite conclusion. I'm hoping that will be dealt with, but I don't want that taken as a commitment.

Mr. Reid: Could I just ask again, Mr. Armstrong, how long does the certification process take on an average? I know it will vary from case to case, but it seems to me that one of the largest complaints I've had from unions or people trying to get organized is the length of time it takes to become certified.

Mr. T. E. Armstrong: Perhaps Mr. Kinley is the best one to answer this in detail. Deal-

THE GLOBE AND MAIL, FRIDAY, OCTOBER 4, 1974

Province preparing labor law changes

Easier certification without a vote planned for unions

By WILFRED LIST

Ontario's Ministry of Labor is planning changes in the province's labor legislation to make it easier for unions to be certified without a vote of employees.

The entire Labor Act, last amended in 1970, is under review, and draft legislation is being prepared for the session of the Legislature that will open later this month.

The matter of amendments to the Labor Act appears to have been given high priority by the Government, and the changes may embrace the whole spectrum of labor legislation. The Government's concern is not only with the Ontario Labor Relations Act but with legislation governing civil servants and hospital employees.

The Labor Ministry's activity in the consideration of changes has been accelerated in recent months and has extended to the issue of bringing farm workers under some form of labor laws or minimum standards legislation.

There is general agreement within the ministry on reducing the requirement that a union must prove it has signed up 65 per cent of those in a bargaining unit to obtain automatic certification.

The option would be to drop the percentage to the pre-1970 figure of 55 per cent, or go as low as 50 per cent plus one.

When the legislation was amended to raise the figure to 65 per cent, the Government included a concession to the unions by permitting a certification vote if unions could show they represented 35 per cent of the employees. However, the unions do not regard the 35 per cent figure as a useful or practical concession.

Ontario may also shift the onus from the employee to the employer in cases where a worker alleges he has been fired for union activity.

At present the employee must prove his case. In six other provinces the burden of proof is on the employer to show a worker was not fired for union activity.

The more complex and controversial matters being explored by the ministry and Government are how to deal with disputes affecting the public interest and what to do about civil servants and hospital workers, now barred from striking. The two groups have threatened strikes.

Among the possibilities under consideration are provisions that would give the Labor Minister more options for dealing with disputes that have a major impact on the public, such as a transit strike. At present there is almost a straight line to a strike if mediation fails.

There are some who feel the Government should have a variety of options up its sleeve that would keep the disputants uncertain and perhaps motivate them to bargain to a settlement.

Last summer's crisis in hospital bargaining, where a strike was averted only after a last-minute settlement despite legislation requiring arbitration, may also bring changes in the act governing hospitals and their employees.

The issue of civil servants and bargaining and labor relations legislation applying to them has become an urgent matter with threats by the Ontario Civil Service Association to strike in defiance of the law.

The Civil Service Association of Ontario is conducting an intensive campaign in the media and elsewhere for major changes in the Crown Employees Collective Bargaining Act.

Among the changes the association wants is one that would give employees the option of voluntary arbitration or the right to strike. It also wants changes in the composition of the tribunals dealing with labor relations affecting Crown employees.

The Ontario Federation of Labor has been pressing for changes in the Ontario Labor Relations Act and a small committee has met Labor Ministry officials period[illegible]

Labor Act may change

TORONTO (CP) — A Toronto newspaper says the Ontario labor ministry is planning changes in the province's labor legislation to make it easier for unions to be certified where the vote of employees is not involved in the process.

The Globe and Mail says the entire Labor Act, last amended in 1970, is under review, and draft legislation is being prepared for the session of the legislature that will open this month.

It says there is general agreement within the ministry on reducing the requirement that a union must prove it has signed up 65 per cent of those in a bargaining unit to obtain automatic certification.

The option would be to drop the percentage to the pre-1970 figure of 55 per cent, or go as low as 50 per cent plus one, the newspaper says.

Labor legislation faces big review

By
PETER SLEE
Labor Reporter

A wide-reaching revamping of labor legislation may be planned by the Ontario government for early next year.

Not only has the announcement been made that studies of proposed legislative changes are taking place but these studies come in a year when current labor legislation has produced one nightmare after another for administrators and politicians alike.

The first twinge of a massive migraine for the provincial labor minister came in early spring when the Ontario Federation of Labor presented a special brief on the Ontario Labor Relations Act and the Ontario Labor Relations Board which administers it.

The OFL described the act as lousy and poorly enforced, arguing strongly that certification regulations requiring that 65 per cent of the bargaining unit be signed up before automatic certification without a vote could be granted was pure pro-management bias.

Credence

It also attacked the regulations that placed the burden of proof on the dismissed employee when considering charges that a worker was fired for lawful union activity.

The OFL agrument here that in other dismissal cases handled through the grievance arbitration method, the onus of proof was on the employer to show just cause why the dismissal took place.

Also attacked was the labor board which the OFL criticized as giving too much credence to technicalities dug up by management lawyers rather than dealing rapidly and efficiently with the merits of the cases before it.

Tim Armstrong, a Toronto lawyer who has done considerable legal work for a variety of trade unions was named chairman of the labor board shortly after the brief was presented and Vic Pathe, a top staff man with the Canadian Food and Allied Workers, was given the job of running the labor board's public relations.

Most recently, informed government sources have been quoted saying consideration is being given to lowering the automatic certification requirements to 55 per cent or even 50 per cent plus one.

Defiance

Fifty-five per cent of the bargaining unit signed to membership cards was the requirement for automatic certification prior to the amendments to the labor act in 1970. The labor movement bitterly disputed the amendment when it was introduced.

That first twinge became a full-fledged headache near the end of April as the May 1 strike deadline approached for the support staff locals at 13 Toronto hospitals.

The workers there left no doubt that they were prepared to defy the Ontario Hospital Disputes Arbitration Act, which prohibits strikes in the hospital industry and which required all disputes to go to compulsory arbitration.

To avoid a confrontation over the legislation, the provincial government itself became involved in the bargaining, eventually guaranteeing to pay the final 20 cents of a $1.50 an hour wage increase that was necessary to avoid a strike.

Over the summer the Hospital Disputes Arbitration Act became a joke as group after group defied it, boycotted arbitration boards and threatened strike action if wage demands weren't met.

Success

These groups included nurses associations which threatened a province-wide strike and eventually gained massive pay increases, 19 hospitals organized by CUPE, including the five general hospitals in the Hamilton area and a dozen or so hospitals organized by the Service Employees international union.

This last organization took its members out on strike at Woodstock and Simcoe in defiance of the legislation.

Relative labor peace was maintained in the province's hospitals because the government made a substantial amount of extra money available. It successfully avoided a head-on scrap with the unions over the legislation.

But the success of the defiance of the legislation has made the probability of future compliance extremely unlikely. It is thus probable some major changes to this act are in the works.

Because regional, even province-wide bargain is already a fait accompli in the hospital industry, regulation changes setting up machinery to handle the wider bargaining scope will also be necessary.

Injustices

Currently the provincial government's labor pains are being caused by the Civil Service Association of Ontario, the organization representing the 60,000 provincial civil servants.

It opened its attack on the Crown Employees Collective Bargaining Act with a massive brief presented in early summer calling for major legislative changes, including the granting of the right to strike and the right to equal representation on arbitration bodies which handle contract disputes and grievances.

Following up the brief, the CSAO has opened its $600,000 war chest and is pouring money into a massive advertising campaign to point out to the public what it considers injustices in the legislation.

The CSAO has also threatened strike action to back demands for legislative changes and substantial "catch up" wage increases for its members and it has waged some guerilla warfare with the province, withdrawing its members private cars from government service to obtain a better deal on mileage allowances.

Farms

This week, the government headed off an expected strike by community college teachers (CSAO members) by allowing the Ontario Labor Relations Board to name the arbitration board chairmen instead of the civil service commission which is, like the federal treasury board, the employer of provincial civil servants.

This amounts to government acquiesence to the equal representation demand of the CSAO and it represents a major victory for the union.

Also this week, the province has announced its intention to negotiate changes in the CECBA with the CSAO, indicating that it prepared to go a long way toward making the legislation more palatable to the union.

Again this week, government sources stated a study was underway about the feasibility of extending the protection of the Employment Standards Act to agricultural workers and the same study is considering amendments to the labor act to allow farm workers to form unions.

This comes hard on the heals of federal government and OFL studies exposing the exploitation of farm workers in Ontario.

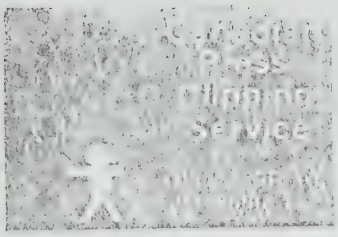
Pressure

Finally, the province is still in the throes of considering bargaining legislation to cover teachers and this process too has not been without political pain.

The drafting of legislation last year that would force teacher disputes to compulsory arbitration and at the same time make their salaries subject to provincial budget ceilings, produced a massive demonstration at Queen's Park.

During the winter, teachers in North York, ignored all provincial pressure and withdrew their services. This year more of the same is being threatened.

It is possible that teachers too will be included in what looks like a sweeping liberalization of Ontario's labor legislation.



Sault Ste. Marie Star, Ont.
Circ. 22,929
November 22, 1974
CANADIAN PRESS CLIPPING SERVICE

Nov 22

Labor Changes Suggested To Improve Pact Talks

1555

By DAVE GROFF
Sault Star Staff Writer

Ontario's new labor minister says he hopes to amend the Ontario Labor Relations Act to provide "an ombudsman for the public" in contract disputes.

John MacBeth said an impartial tribunal should be set up to review contract demands and offers and determine "the true state of negotiations."

The facts would then be released so public opinion might sway sides and quickly end disputes, he said Thursday in an interview.

The amendments would be aimed at strikes that are against the public interest.

Under such a system, he said, lengthy strikes such as those against Ontario Hydro and Toronto Transit Commission might have been averted or shortened.

Private industry would not be affected unless it could be shown that strikes were against the public interest and people were concerned.

Exact changes in the act have not been settled however he said he hopes changes will be introduced next year, which may see considerable labor unrest across the province, as major contracts expire, including the construction and basic steel industries.

"I'm not trying to put forward this as an original idea," he said, "but perhaps its time we started experimenting with it."

The minister said he has not received or sought opinions of labor because the changes are still being considered by staff. However there will be plenty of time for opinions once amendments are introduced.

Next year may be a busy one for the ministry as a large number of contracts come up for review.

Inflation has been the greatest factor in labor disputes this year, he said, and will be again if it does not abate.

However, he said, he sees an economic slowdown next year and this should "make it easier to reach agreements."

On anothr topic the minister said Ontario's new minimum wage scale which last Oct. 1, raised the general minimum wage to $2.25 from $2 an hour is already out of date because of inflation and new increases should be announced early next year.

It is coming to the point, he said, where new minimum wage regulations should come into effect every seven or eight months.

Labor law changes stem from Waisberg report

Ontario Cabinet asked to set up court on union hiring halls

Labor Minister John MacBeth and his ministry are suggesting to the Ontario Cabinet that a tribunal be established to deal with complaints of discrimination under union hiring hall regulations.

The proposal is part of a series of policy papers developed within the ministry for overhauling the Ontario Labor Relations Act.

The suggestions range from changes to make it easier for unions to be certified without a vote, to tighter accounting and auditing rules for union locals.

The hiring hall and auditing proposals arise from the report of the Waisberg royal commission into violence in the construction industry. But the complaints by members of the Seafarers International Union of Canada that they were denied employment because of union blacklisting, undoubtedly were factors in the tribunal proposal.

The proposals will be submitted to the Resources and Development Secretariat of the Cabinet in a week. From there they have to go to the Government and finally to the entire Cabinet.

Some of the suggested changes are firm proposals, others are for discussion. A bill outlining the changes will be ready for presentation to the Legislature at its spring session, beginning in March.

The proposed amendments, if adopted, should reduce criticism of existing labor legislation by organized labor in what will almost certainly be an election year.

But the Canadian Manufacturers Association will probably be unhappy with the proposal for automatic certification of unions on evidence of 55 per cent membership instead of 65 per cent—a reversion to the pre-1970 figure.

Under existing legislation, a union may obtain a vote with 35 per cent membership evidence. This would go to 45 per cent if the percentage for automatic certification is dropped to 55 per cent.

The proposed changes that would affect labor and management in the construction industry have been submitted to the Construction Industry Review Panel, consisting of labor and management representatives. Reports from panel members are that they were acceptable to both sides.

The ministry's proposals, where it plans to act on matters raised by Judge Harry Waisberg, differ from the commissioner's recommendations.

Judge Waisberg recommended public inspection of union hiring halls, with records available to union members, employers and Government inspectors. Instead, the Labor Ministry would set up tribunals to hear complaints that a person has been discriminated against.

Similarly, Judge Waisberg recommended minimum standards for union books and records. The ministry proposes outside auditing of union books and filing of yearly financial statements.

Judge Waisberg had also recommended automatic certification on evidence of 50 per cent membership—the practice in every other province and in the federal jurisdiction.)

The proposals for change also deal with the matter of onus of proof where a union alleges an employee was illegally discharged for union activity. In six other provinces, the onus is on the employer to prove the discharge was for reasons other than union activity. In Ontario, the onus is on the union to prove union activity was the reason. The ministry is now considering shifting the onus to the employer.

The matter of petitions among employees to offset union evidence of membership in certification cases has also given rise to angry complaints by unions. A study by the Labor Ministry showed that of 58 relevant petitions, only nine were found to represent the voluntary expression of the wishes of those who signed them.

The ministry proposes to deal with this question by eliminating the 10-day period during which petitions may be circulated for submission to the Labor Board after an application for certification has been made. The names are then checked against people who signed union cards. No petition would be considered that was signed after the application was made. But an allegation of fraud would still be heard by the labor board.

In an interview last month, T. E. Armstrong, chairman of the labor board, said the fact that only nine petitions of 58 represented the true views of employees cast "some doubt on the reliability of petitions as a piece of evidence for determining employee wishes."

Membership cards must be accompanied by receipts showing that $1 token payment was made by the applicant for union membership.

One of the questions to be discussed by the Cabinet is whether Ontario should follow legislation in British Columbia in providing for the imposition of a first agreement if the parties fail to negotiate one.

Labor is split in British Columbia and in Ontario on that question—some unions fearing it is a wedge for imposing arbitration in labor-management disputes. Others favor the B.C. method for dealing with an impasse in negotiations for a first agreement as preferable to not being able to get an agreement.

There is also discussion on extending collective bargaining rights to independent contractors, such as those who manage jug milk stores.

David Archer, president of the Ontario Federation of Labor and a vigorous critic of the labor legislation, was given a briefing yesterday by Deputy Minister Robert Johnston. Mr. Archer welcomed the proposed changes.

"The fact there is willingness to discuss updating the act shows there may be a changing attitude by the Government to collective bargaining."

The ministry has already brought before Cabinet proposals for extending the Employment Standards Act to farm workers.

The more complex question of how to deal with disputes affecting the public interest is still being debated, but with no early resolution in sight.

Unions would benefit

Labor law changes planned

By STEF DONEV
Star staff writer

Ontario legislation on certification of unions will be revamped and presented in the spring session of the Legislature, Labor Minister [illegible] MacBeth said yesterday.

[illegible] requirement that [illegible] up to 60 per cent of workers in "arduous" one MacBeth and seven other cabinet ministers attending public hearings in Belleville were told in a brief.

Also to emerge from yesterday's meeting:

—A public hearing into Ontario Hydro's long-range plans will begin within a month, Energy Minister Dennis Timbrell said. The hearings first were promised last year.

—Ontario "will substantially increase" spending on road and bridge construction and maintenance this year, Transportation Minister John Rhodes said. Last year's spending was approximately $350 million.

The amount to be spent this year has not been determined, Rhodes added.

Present yesterday were Timbrell, Rhodes, MacBeth, Agriculture Minister William Stewart, Natural Resources Minister Leo Bernier, Claude Bennett, industry and tourism minister, Environment Minister William Newman, and Allan Grossman, provincial secretary for resource development.

More than 60 briefs, most of them dealing with land-use and agriculture, were to be presented during the two-day conference.

One brief was presented by Carleton Place, a town of 5,000 30 miles west of Ottawa whose water system loses an estimated 1.5 million gallons of water a day. A recent survey showed 22 underground leaks, nine faulty hydrants, and 10 leaky valves along a 7½-mile stretch of pipe installed in the 1920's. Because of the leakage, the water system has to pump 2 million gallons a day to supply the town.

$8 MILLION

Replacing the system would cost more than $8 million. The cabinet ministers said they would study the problem

The Belleville Winemakers' Guild said they must have a special provincial permit—which, they claim, is impossible to get—if they are to have more than 100 gallons of homemade wine in their homes.

Ian Reilly, guild president, said to age wine properly "you have to keep some of its for seven or eight years . . . You can accumulate a lot of wine in eight years."

CLAIMS DENIED

Grossman denied Reilly's claims that it is illegal to offer homemade wine to a friend or to transport it to a summer cottage, but he admitted that "over-zealous police" could cause problems for home winemakers. He said he hoped "we don't have any over-zealous police."

Rhodes said matters are improving.

"I remember a time when you couldn't even give your wife a drink from your own bottle; she'd have to buy or make her own," he said.

March 18/75

Ontario labor act to change

By PATRICIA WILLIAMS
DCN Staff Writer

TORONTO — The provincial government is expected to make a decision shortly on suggested amendments to the Ontario Labor Relations Act.

Deputy Labor Minister R. D. Johnston said in an interview last week that the proposed changes are now being reviewed by a committee of cabinet.

He said a decision would probably be made "within the next three weeks."

The proposed changes are in the areas of procedures for union certification, resolution of disputes and union accounting procedures.

Some of the proposals stem from recommendations made in the royal commission investigation into certain sectors of the province's construction industry.

The changes are part of a package of proposals presented to the government last year by the province's Construction Industry Review Panel.

The panel also proposed establishment of a commission of inquiry into collective bargaining in the construction industry, plus creation of a construction training act and a construction standards act.

The inquiry was set up last fall under commissioner Donald Franks, a former vice-chairman of the Ontario Labor Relations Board.

Mr. Johnston said the government had decided not to proceed any further with the standards act until after Mr. Franks has completed his inquiry.

He said that as an interim measure, the government would update the construction schedules under the Industrial Standards Act. The schedules spell out minimum standards of employment.

Most of the schedules covering the construction industry are now four to five years old.

The new construction training act is seen by the panel as a piece of legislation replacing the current Apprenticeship and Tradesmen's Qualification Act.

No action is expected in this area until after the ministry of colleges and universities has completed its review of recommendations contained in an industrial training study.

The ministry is now reviewing briefs prompted by the task force recommendations which proposed an overhaul of the apprenticeship system in the province.

A decision on the recommendations is still "months off," a government spokesman said.

REPORT OF THE ROYAL COMMISSION ON CERTAIN SECTORS OF THE BUILDING INDUSTRY

SUMMARY OF RECOMMENDATIONS AND SUGGESTIONS

I The appropriate law enforcement agencies are, naturally, expected to take whatever actions and proceedings they may deem appropriate in the light of the many incidents of illegal activities revealed during the investigation.

II The shooting incidents involving the Acme premises and Bruno Zanini, together with the indiscriminate possession of arms as revealed in the investigation, suggests the necessity for more rigid arms control.

III The bombing incidents, coupled with the casual possession of dynamite,

suggests the necessity for more rigid control of explosives. Serious consideration might well be given to the suggestions in appendix 26.

IV The abuses shown to have taken place on the part of both management and labour, indicate the necessity for measures of control and discipline, but having investigated only a portion of the industry, I am unable to make specific recommendations that would affect the entire construction industry.

V I would, however, make the following suggestions for further consideration:

1 / That contractors and subcontractors be licensed with a view to establishing responsible identities.

2 / That supervised bid depositories be established in co-operation with contractors and subcontractors.

3 / That the provisions of the Labour Relations Act be enforced in the public interest.

4 / That a minimum standard be set for union books and records.

5 / That the operation of hiring halls in accordance with established practice be continued with records open to inspection by employees, employers, and public inspectors. An industry-wide study should be made.

6 / That inspectors be added to the staff of the Labour Relations Board to speed up the decision process in jurisdictional disputes. The parties to have the option of providing summary procedures of their own by collective agreement.

7 / That jurisdiction restrictions in master agreements to specific trade unions be replaced by other adequate safeguards.

8 / That welfare plans be administered by one province-wide agency. That participation in welfare plans be made optional on the part of employees. That payments made for the benefit of employees be vested in them when received and become portable. That contributions by employers be supervised and enforced. That fees and expenses for trustees be limited in amount.

9 / That the Labour Relations Board be given jurisdiction to validate trusteeships imposed by parent unions and, in other instances, to create trusteeships in the interests of the members.

10 / That a permanent vice-chairman be named for the Construction Industry Panel of the Labour Relations Board.

11 / That the minimum membership requirement of a union for certification without a vote be lowered from 65 per cent to 50 per cent of the employees in a bargaining unit.

12 / That arbitration procedures provide for a single arbitrator and specific

time limits for the appointment of the arbitrator and the decision.

13 / That conciliation procedures be subject to a prescribed timetable and a sufficient number of conciliators be made available to carry out the duties.

14 / That the number and variety of bargaining units be reduced and that province-wide and multi-trade bargaining be encouraged.

15 / That a general counsel with power to initiate proceedings when necessary in the public interest be appointed to the Labour Relations Board to ensure the equitable enforcement of labour legislation.

16 / That the Construction Industry Review Panel established by the Department of Labour in 1972 be supported.

17 / That a dynamic approach to labour-management relations in the construction industry be maintained to keep pace with technological and sociological changes.

All of which is respectfully submitted.

Harry Waisberg
Commissioner

The following is an extract from the notes of the meeting of the Construction Industry Review Panel on December 18, 1973

Panel Members Present:

Messrs. T. M. Eberlee (Chairman), C. Ballentine, H. Kobryn, K. Martin, A. Simpkins, M. I. Speigel, A. Voytek and N. Wilson

Ministry of Labour:

Messrs. W. H. Dickie, M. Eayrs and D. E. Hushion.

iv) "Other" proposed changes to Labour Relations Act

- tighten "dual employer" provisions with appropriate consideration of sectoral differences and position of "construction managers";
- review "mixed crew" provisions;
- grant "automatic" certification on proof of 55% membership;
- establish jurisdictional dispute tribunal;
- review provision (section 84) with respect to claim for damages in absence of collective agreement;
- review accreditation procedures.

KF 3319 A2 A43 1975 c.1 OWTL

Amendments to the Ontario Labour Relations Act : background material.

DATE DUE | BORROWER'S NAME

KF 3319 A2 A43 1975 c.1 OWTL

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